



## **A G E N D A**

### **General Plan/LCP Implementation Committee**

**June 10, 2009**

**3:30 p.m.**

**City Council Chambers**

1. Approve Action Minutes from April 15, 2009  
Attachment No. 1 3:30-3:35pm
2. General Plan/LCP Implementation - Master Task List  
Committee Comments  
Attachment No. 2 3:35-3:45pm
3. Draft Zoning Code Review
  - A. Bluff Development Standards – Review revised standards and provide comments on regulations and exhibits (attached)
  - B. Canyon Development Standards and Environmental Study Areas Update  
Provide comments to staff
  - C. Code Schedule – Provide comments to staff  
Attachment No. 3 3:45-5:20pm
4. Items for Future Agenda 5:20-5:25pm
5. Public Comments on non-agenda items 5:25-5:30pm
6. Adjourn

#### **Attachments:**

1. Draft Action Minutes from April 15, 2009
2. Master Task List
3. Draft Zoning Code Review support material

## **Attachment No. 1**

Action Minutes from April 15, 2009



# CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

## DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, April 15, 2009**

### Members Present:

|   |                                       |
|---|---------------------------------------|
| X | Ed Selich, Mayor, Chairman            |
| X | Leslie Daigle, Council Member         |
| X | Don Webb, Council Member              |
| X | Barry Eaton, Planning Commissioner    |
| X | Robert Hawkins, Planning Commissioner |
| X | Michael Toerge, Planning Commissioner |

### Advisory Group Members Present:

|   |                 |
|---|-----------------|
| X | Mark Cross      |
|   | Larry Frapwell  |
|   | William Guidero |
| X | Ian Harrison    |
| X | Brion Jeannette |
|   | Don Krotee      |
| X | Todd Schooler   |
|   | Kevin Weeda     |
|   | Dennis Wood     |

### Staff Representatives:

|   |  |
|---|--|
| X | Sharon Wood, Assistant City Manager            |
| X | David Lepo, Planning Director                  |
|   | Aaron Harp, City Attorney                      |
|   | Patrick Alford, Senior Planner                 |
| X | James Campbell, Senior Planner                 |
| X | Gregg Ramirez, Senior Planner                  |
| X | Dan Campagnolo, Planning Systems Administrator |
| X | Makana Nova, Assistant Planner                 |
| X | Fern Nueno, Assistant Planner                  |
|   | Melinda Whelan, Assistant Planner              |

E = Excused Absence

## **Committee Actions**

### **1. Agenda Item No. 1 – Approval of minutes as corrected of March 25, 2008.**

**Action:** Committee approved draft minutes.

**Vote:** Consensus

### **2. Agenda Item No. 2. – Draft Zoning Code Review**

#### **A. Adult Business Regulations**

**Action:** Staff recommended that the Adult Business regulations in the existing code not be changed. The Committee agreed with the recommendation.

**Vote:** Consensus

#### **B. Performance Guarantees (Revised)**

**Action:** Committee directed staff to incorporate the revised regulations in the draft code as recommended.

**Vote:** Consensus

#### **C. Recovery of Costs (Revised)**

**Action:** Committee directed staff to incorporate the revised regulations in the draft code as recommended.

**Vote:** Consensus

#### **D. Environmental Study Areas**

**Action:** The Committee received an update regarding the studies necessary to complete the ESA standards.

**Vote:** None

#### **E. Canyon Development Standards**

**Action:** The Committee and Advisory Members discussed and directed staff to:

- Retaining walls
  - 12-foot height limit for retaining walls is too high of a maximum, suggest anywhere from six to eight feet for a maximum height for these structures.
  - Application of retaining wall limit to commercial properties. Suggest screening large retaining walls and regulating the size and placement of structures through site development review.

- Suggest an 8-foot maximum with a 12-foot maximum under site development review.
- Canyons
  - Specify that utilities permitted in Area C are underground utilities only. No overhead electrical and power utilities are permitted.
  - Several houses in the canyons have experienced additional development beyond the development areas indicated. The development line should be extended further beyond the proposed development line to ensure adequate property rights and the opportunity for expansion.
  - Some of the development restricted areas do not include the creek bottom. Examine methodologies to create the development line based on the centerline of the creek.
  - State and federal regulations for environmental and waterway protection apply in the canyons. Designation of these areas as very high hazard severity zones in these areas is pending.
  - HOA standards are strict. Standards are based on a stringline of existing development. Review HOA standards
  - Poppy Avenue and Hazel Drive are not regulated by HOA's.
  - A General Plan amendment will be necessary in order to implement policy changes at the direction of the committee. Staff directed to review the policies and suggest changes for applicable policies.
- The public provided the following comments:
  - Clarification regarding ESA review process.

**Vote:** Consensus.

### **3. Agenda Item No. 3 – Items for future agenda**

**Action:** Cancel meeting for April 29th and continue discussion on Agenda Item 2B, Bluff Development Regulations at a future meeting.

**Vote:** Consensus

### **4. Agenda Item No. 5 - Public Comments on non-agenda items**

None

### **5. Meeting Adjourned 6:00 p.m.**

## **Attachment No. 2**

Master Task List

## GENERAL PLAN IMPLEMENTATION TASKS

1. Interim Zoning Resolution (including ability to require development agreements)  
*Staff, January 9, 2007 - **Complete***
2. Procedures to implement single- and two-family design policies  
*Staff, March 27, 2007 - **Complete***
3. Zoning Code and Specific Plan rewrite  
*Consultant, with staff input and review, September 2009*
  - *Revised draft to Committee and Assistant City Attorney, July 10, 2009*
4. CLUP amendment  
*Staff, Consultants, July 2009*
  - *Coastal Commission approved amendment with modifications April 8, 2009*
5. Housing Element certification by HCD  
*EIP and staff, TBD*
  - *Staff working on response to HCD comments and revisions to site inventory information*
  - *Keyser Marston Associates retained to prepare constraint analysis of inclusionary program, May 2009*
6. Park Dedication Fee (Quimby Act)  
*Staff, April 10, 2007- **Complete***
7. ED Strategic Plan  
*Staff, ADE and EDC, July 10, 2007 - **Complete***
8. Fair Share Fee update  
*Consultants, TBD*
  - *Staff revisions to Nexus study in response to comments from development community, July 2009*
9. Airport Area infrastructure study and fee(s)  
*ROMA and Fair Share Consultant, TBD*
  - *Proposed infrastructure plan to Committee, June 24, 2009*
10. Inclusionary Housing Ordinance and In-lieu fee  
*Consultant*
  - *Keyser Marston Associates retained to prepare constraint analysis of inclusionary program, May 2009*
  - *Ordinance revisions to be included in July draft of Zoning Code*

11. Parking Requirements and Management  
Staff, EDC,
  - *Parking requirements recommendations from Walker Parking Consultants included in July draft of Zoning Code*
  - *Draft parking management plans prepared for Balboa Village, Corona del Mar and Mariners' Mile; City Council review, summer 2009*
  - *Parking management plan for Lido/Canner/McFadden to begin summer 2009*
12. LCP Implementation Plan  
Staff, concurrent with/trailing Zoning Code rewrite
  - *Implementation Plan deleted from draft Zoning Code*
13. City Council Ordinance on development agreements  
Staff, February 27, 2007 – **Complete**
14. Traffic signal synchronization  
Consultant and Public Works staff
  - *Phase 1 – **Complete***
  - *Phases 2 & 3 under construction, December 2009*
  - *Phases 4-8 in City Council budget deliberations, 20009-11*
15. PC rewrite/revisions  
Property owners for major ones, their schedule  
Staff or consultant for smaller ones, with Zoning rewrite or second phase, TBD
16. Banning Ranch Pre-Annexation and Development Agreement  
City Council, staff and property owners, TBD
  - *City Council committee appointed, April 22, 2008*
17. Harbor Area Management Plan  
Consultants, staff and Harbor Commission, July 2009
  - *Harbor Commission recommendation for City Council approval, May 2009*
18. Run-off and Pollution Reduction Plan  
Coastal/Bay Water Quality Committee and staff, ongoing
19. Database refinements and maintenance  
Staff, refinements TBD, maintenance ongoing
20. Fiscal Impact Model training  
ADE and staff, March 29, 2007- **Complete**



21. Traffic Phasing Ordinance revision re: NBTAM  
*Staff, July 24, 2007- **Complete***

22. Measure S Guidelines revision re: variable FAR  
*Staff, TBD*

Lower Priority

- Municipal Code amendments re: property maintenance standards
- Building Code amendments re: green buildings  
*Task Force on Green Development, Building staff, August 2009*
- Amend City Council Policies on historic, archaeo and paleo resources
- Funding and priority program for construction of noise barriers along arterials

**Attachment No. 3**  
Draft Zoning Code Review Support  
Material

### **Agenda Item 3A - Revised Bluff Development Regulations**

Based on direction received from the Committee at the March 18<sup>th</sup> and 25<sup>th</sup> meetings, staff has prepared revised bluff regulations. Canyon regulations will be presented at a later date (see agenda item 2B). Attached for your review are the following:

1. Revised Draft Bluff Regulations
2. Site Development Review – Review criteria and findings (as approved by the Committee)
3. Non-Conforming Structure Regulations (as approved by the Committee)
4. Bluff related General Plan policies
5. Bluff development area color maps showing development areas that correspond with the draft regulations

Staff is proposing that a Bluff and Canyon Overlay District be created to provide for easier identification of lots subject to these regulations. The draft regulations identify “development areas” for the purpose of regulating the placement of structures. Development area boundaries are described in the text of the ordinance and shown on maps. There are three development area categories (see draft code for details):

Development Area A - Principal and accessory structures

Development Area B - Accessory structures

Development Area C – Limited accessory structures

Based on Committee direction, some geographic areas were given specific “additional regulations” to tailor regulations specific to a geographic area. An example of this is limiting the height of all structures in the Breakers Drive geographic area to 52 feet MSL (NAVD88).

The draft regulations include Site Development Review process to provide a path for relief to allow structures or grading not otherwise permitted. The following are the review criteria and findings for Site Development Review from the draft zoning code.

## (1) Revised Draft Bluff Regulations

- A. Applicability.** This Section applies to lots located within the Bluff and Canyon Overlay District. All development must comply with all applicable regulations (e.g. setbacks, height) of the underlying zoning district. In situations where an inconsistency occurs, the most restrictive regulation prevails.
- B. Development area defined.** An area delineated for the purpose of regulating the placement and location of structures. Each lot within the Bluff and Canyon overlay specified geographic area shall be divided into two or more development areas. Development areas are delineated on the Development Area Maps consistent with the development areas in C, below.
1. **Development Area A - Principal and accessory structures.** Area A allows for the development and use of principal and accessory structures. Accessory structures allowed in Area B and Area C are allowed in Area A.
  2. **Development Area B - Accessory structures.** Area B allows for the development and use of accessory structures listed below. Principal structures are not allowed.
    - a. The following accessory structures are allowed in Area B:
      - decks
      - gazebos
      - outdoor play equipment
      - patios
      - detached or attached patio covers (solid or lattice)
      - platforms
      - porches
      - spas and hot tubs
      - swimming pools
      - terraces
      - fences, walls and retaining walls (6-foot maximum height)
      - barbeques
      - firepits and fireplaces
      - similar structures
      - Accessory structures allowed in Area C are allowed within Area B.
    - b. The following regulations apply to Area B:
      - Covered accessory structures (e.g., trellis, gazebos, patio covers) shall not exceed 12 feet in height from existing grade or finished grade or exceed 400 square feet in area.
      - Retaining walls shall be horizontally separated (stepped) by a distance equal to the height of the retaining wall at the lower elevation (see figure XX).
  3. **Development Area C – Limited accessory structures.** Area C allows for the development and use of limited accessory structures. The following accessory structures are allowed in Area C:

- property line fences and walls, not including retaining walls
- on-grade stairways
- building code required guardrails and handrails
- on-grade trails
- benches
- drainage devices
- underground utilities
- landscaping/irrigation systems
- similar structures.

**C. Location of development areas.** The development areas are listed below and depicted in the referenced map exhibits. The placement of structures and grading is limited by development areas as defined in this section and in Subsections B and C. The development areas for each parcel are polygons established by the property lines and the following development lines (see Map Exhibits 1-8):

### **1. Map 1 - Kings Place**

#### **Kings Place (104-112 and 204-224)**

- **Development Area A.** Between the front property line adjacent to Kings Place and the development line established at an elevation that is 16 feet below the average elevation of the top of the curb adjacent to the lot.
- **Development Area C.** All portions of the lot not located in Area A.

#### **Kings Place (116-200)**

- **Development Area A.** As indicated by the specified distance (in feet) from the front property line on the development area map.
- **Development Area B.** All portions of the lot not located in Area A or C.
- **Development Area C.** Between the down slope boundary of Area A and a development line established at the 26-foot contour line\*.
- **Additional Regulations.** Sport courts are allowed in Area B. Enclosed accessory structures that do not exceed 12 feet in height from existing or finished grade and do not exceed 400 square feet (cumulative) in area shall be permitted in Area B.

### **2. Map 2 - Irvine Terrace**

#### **Dolphin Terrace**

- **Development Area A.** Between the front property line adjacent to Dolphin Terrace and the development line established at an elevation that is 13 feet below the average elevation of the top of the curb adjacent to the lot.
- **Development Area C.** All portions of the lot not located in Area A.

### **3. Map 3 - Irvine Terrace**

#### **Bayadere Terrace**

- **Development Area A.** Between the front property line adjacent to Bayadere Terrace and the development line established at an elevation that is 13 feet below the average elevation of the top of the curb adjacent to the lot.
- **Development Area C.** All portions of the lot not located in Area A.

### **4. Map 4 - Avocado Avenue/Pacific Drive**

#### **Avocado Avenue**

- **Development Area A.** Above the 68-foot contour line for 415 Avocado Avenue, above the 50-foot contour line for 411 Avocado Avenue and the prolongation of such contour line along the shortest segment to the 35-foot contour line for 401 Avocado Avenue.\*
- **Development Area C.** Below the 68-foot contour line at 415 Avocado Avenue, 50-foot contour line at 411 Avocado Avenue, and below the 35-foot contour line along 401 Avocado Avenue.\*

#### **Pacific Drive (2235-2329)**

- **Development Area A.** Between the front property line adjacent to Pacific Drive and the 53-foot contour line.\*
- **Development Area C.** All portions of the lot not located in Area A.

### **5. Map 5 - Carnation Avenue**

#### **Carnation Avenue (201-233)**

- **Development Area A.** Between the front property line adjacent to Carnation Avenue and the 50.7-foot contour line.\*
- **Development Area C.** All portions of the lot not located in Area A.

#### **Carnation Avenue (239-317)**

- **Development Area A.** As indicated by the specified distance (in feet) from the front property line adjacent to Carnation Avenue on the development area map.
- **Development Area B.** Between the Area A development line and the 70-foot contour line.\*
- **Development Area C.** All portions of the lot not located in Area A or B.
- **Additional Regulations.** If Area A overlaps Area B, the area of overlap shall be regulated as Area A.

### **6. Map 6 - Ocean Boulevard/Breakers Drive**

#### **Breakers Drive (3100-3200):**

- **Development Area A.** Between the 52-foot contour line\* and the property line adjacent to Breakers Drive.
- **Development Area C.** All portions of the lot not located in Area A.
- **Additional Regulations.** Structure height may not exceed the 52-foot contour line.\*

#### **Ocean Boulevard (3207-3309)**

- **Development Area A.** Between the 48-foot contour line\* and the property line adjacent to Ocean Boulevard and between the 33-foot contour line\* and the property line adjacent to Breakers Drive.
- **Development Area C.** Between the 33-foot and 48-foot contour lines.\*

#### **Ocean Boulevard (3317-3431)**

- **Development Area A.** Between the 48-foot contour line\* and the property line adjacent to Ocean Boulevard.
- **Development Area C.** All portions of the lot not located in Area A.
- **Additional Regulations.** No fences or walls in Area C.

#### **Ocean Boulevard (3601-3729)**

- **Development Area A.** Between the property line adjacent to Ocean Boulevard and the seaward extent of the existing principal structure.
- **Development Area C.** All portions of the lot not located in Area A.
- **Additional Regulations.** New development shall not extend further onto the bluff face beyond existing development.

### **7. Map 7 - Shorecliffs**

#### **Shorecliff Road**

- **Development Area A.** As indicated by the specified distance (in feet) from the front property line on the development area map.
- **Development Area B.** Between the seaward boundary of Area A and a line established by a 10-foot setback from the bluff edge (Not all lots may have an Area B).
- **Development Area C.** All portions of the lot not located in Area A or B.
- **Additional Regulations.** If Area A overlaps Area B, the area of overlap shall be regulated as Area A. No fences or walls permitted in Area C.

### **8. Map 8 - Cameo Shores**

#### **Brighton Road**

- **Development Area A.** As indicated by the specified distance (in feet) from the front property line on the development area map.
- **Development Area B.** Between the seaward boundary of Area A and a line established by a 10-foot setback from the bluff edge (Not all lots may have an Area B).
- **Development Area C.** All portions of the lot not located in Area A or B.
- **Additional Regulations.** If Area A overlaps Area B, the area of overlap shall be regulated as Area A. No fences or walls permitted in Area C.

\*all contour lines refer to NAVD88 contours

- D. Basements.** Subterranean basements are allowed in Area A and may be constructed at an elevation (NAVD88) below any specified contour elevation. Basements shall not daylight on the bluff or slope face beyond Area A. (see exhibit).

**E. Grading – All Development Areas.** Grading is limited to the minimum necessary for the construction and placement of allowed structures.

**F. Encroachments.**

1. **Above Grade Encroachments.** Balconies, bay windows, eaves, architectural features and shading devices attached to principal or accessory structures may encroach from Area A into Area B without limitation provided they do not require ground support. Balconies, bay windows, eaves, architectural features and shading devices attached to principal or accessory structures may encroach from Area A or Area B into Area C provided they do not require ground support and encroach no farther than 5 feet into Area C and comply with any required minimum setbacks.
2. **Subterranean Structural Encroachments.** Foundations, basement walls, structural supports and shoring for principal structures may encroach a maximum of 24 inches into an adjacent development area (B or C).

**G. Non-Conforming Structures.** Principal and accessory structures that do not conform with the regulations of this chapter shall comply with Section 20.50.040 (Non-Conforming Structures) of this zoning code.

**H. Adjustment of Development Area Boundary.**

1. **Minor adjustment of a development area(s).** The Planning Director may administratively adjust the boundary when the strict application of a development area based upon the graphic exhibit creates a circumstance contrary to the intent and purpose of this Section.
2. **Reduced development area(s).** A bluff development area shall be reduced whenever necessary to:
  - a. Ensure safety and stability against slope failure (i.e., landsliding) for the economic life of a development. At a minimum, the development area shall be adjusted to ensure a slope stability factor greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the bluff or canyon or a factor of safety greater than or equal to 1.1 for the seismic condition of the bluff or canyon, whichever is further landward; and
  - b. Ensure that the principal structures are safe from hazards due to erosional factors for the economic life of the building.
3. **Increased development area(s).** A development area(s) boundaries may be adjusted through the approval of a Site Development Review (Section xx-xx-xx) to permit structures and grading not otherwise allowed. In addition to the Site Development Review findings, the following findings must be made:
  - a. The increased bluff or canyon development area ensures a slope stability factor safety greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the bluff or canyon or a factor



of safety greater than or equal to 1.1 for the seismic condition of the bluff or canyon, whichever is farther landward; and

- b. The increased bluff or canyon development area will provide adequate protection from erosion factors for the economic life of the development, and
- c. The increased bluff or canyon development area is compatible and consistent with surrounding development.
- d. The increased bluff or canyon development area will not have an impact on public views, sensitive habitat areas and is not otherwise detrimental to the community.

## **(2)Site Development Review Criteria and Findings**

*The following criteria shall be considered during the review of a Site Development Review application:*

- (1) Compliance with this Section, the General Plan, this Zoning Code any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
- (2) The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
- (3) The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
- (4) The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
- (5) The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
- (6) The protection of significant views from public right(s)-of-way and compliance with Section 20.30.080(Public View Protection).*

***Findings and decision.*** *The review authority may approve or conditionally approve a Site Development Review application, only after first finding that the proposed development is:*

- 1. Allowed within the subject zoning district;*
- 2. In compliance with all of the applicable criteria identified in Subparagraph C. 2. c., above; and*
- 3. Not detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

### (3) Non-Conforming Regulations

#### 20.50.040- Nonconforming Structures

Nonconforming structures may be maintained, altered, or added on to only in compliance with the provisions of this Section.

- I. **Maintenance and repairs.** Routine maintenance and repairs may be made to nonconforming principal and accessory structures.
- J. **Nonstructural alterations.** Changes to interior partitions or other nonstructural improvements may be made to nonconforming structures, except accessory structures.
- K. **Structural alterations.** Structural elements, with the exception of foundations (see 20.50.040D), of nonconforming principal structures, may be modified, repaired, or replaced. Structural alteration of accessory structures is not permitted.
- L. **Foundation Alterations.** Maintenance and repairs may be made to foundations of nonconforming of principal structures. Foundations of non-conforming principal structures may not be modified, retrofitted or replaced in conjunction with other alterations or additions permitted by this section. Should a foundation of nonconforming principal structure require modifications, retrofitting or replacement beyond routine repair or maintenance, the nonconforming structure shall be required to be brought into compliance with all applicable standards and regulations of this Zoning Code. Foundation alterations of accessory structures is not permitted.
- M. **Seismic retrofits.** Alterations to nonconforming structures due to seismic retrofitting requirements are allowed in compliance with Chapter 15.07 (Earthquake Hazard Reduction in Existing Buildings) of the Municipal Code.
- N. **Reasonable accommodation.** Improvements to a nonconforming structure that are necessary to comply with an approved reasonable accommodation in compliance with Section 20.66.040 (Reasonable Accommodations) shall be allowed.
- O. **Additions.** Nonconforming structures may be expanded and the existing nonconforming structure shall not be required to be brought into compliance with the development standards of this Zoning Code subject to the following:
  - 1. Expansion is limited to a maximum of 50 percent of the gross floor area of the existing structure within a 10 year period

2. The floor area of the addition, together with the floor area of the existing structure, does not exceed the allowed maximum floor area for the zoning district;
3. The addition complies with all applicable development standards and use regulations of this Zoning Code ;
4. Additional parking shall be provided in compliance with Section 20.50.060 (Nonconforming Parking),

## **(4)Bluff Related General Plan Policies**

### **Land Use Element Polices**

**1. LU 1.1 Unique Environment**

Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds. *(Imp 1.1)*

**2. LU 1.3 Natural Resources**

Protect the natural setting that contributes to the character and identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources. *(Imp 1.1)*

**3. LU 3.7 Natural Resource or Hazardous Areas**

Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.

**4. LU 5.6.4 Conformance with the Natural Environmental Setting**

Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach. *(Imp 2.1, 8.1)*

**5. LU 6.5.5 Public Views of the Property**

Development shall be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Landscape shall be incorporated to soften views of the site visible from publicly owned areas and public view points. *(Imp 3.1, 4.1)*

**6. LU 6.19.12 Properties Abutting Bluff Faces**

Require that development projects locate and design buildings to maintain the visual quality and maintain the structural integrity of the bluff faces. *(Imp 2.1)*

### **Natural Resource Element Polices**

**7. NR 3.16 Siting of New Development**

Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits. (Policy HB 8.16) *(Imp 2.1, 6.1)*

**8. NR 23.1 Maintenance of Natural Topography**

Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource. *(Imp 2.1)*

### **Agenda Item 3B - Canyon Development Standards/ESA - Update**

#### Canyon Development Standards

The Buck Gulley and Morning Canyon regulations will be a comprehensive strategy that will address development standards, resource protection issues and take into account other regulations, such as fuel management. Given their unique characteristics of each, staff anticipates different standards for Buck Gulley and Morning Canyon.

Based on direction received from the Committee at the April 15<sup>th</sup> staff will also be proposing changes to applicable General Plan policies. Planning staff is waiting to hear whether both canyons will be recommended for designation as Very High Severity Zones. Whether or not that designation occurs will have an impact on how drafting some of the regulations is approached. Staff will keep the Committee posted on our progress in the coming weeks.

#### Environmental Study Areas (ESAs)

The Chambers Group is currently working on review criteria and regulations to be used when development is proposed adjacent to a mapped ESA. Once this completed, staff will incorporate the standards into the next draft of the draft code.

**Agenda Item 3C – Code Schedule**

Staff is aiming for July 10th for the release of the second Committee draft. With the exception of the canyon regulations, the code should be complete. Staff recommends that the Committee proceed with their review without the canyon regulations in order to keep the process moving. When complete, the canyon regulations will be brought to Committee for review prior to Planning Commission and City Council review. The following are tentative dates for distribution and Committee review of the second public draft zoning code.

|  |                         |
|--|-------------------------|
| Second Committee Draft Code Distribution | July 10 <sup>th</sup>   |
| Draft Code Review Meeting No.1           | July 15 <sup>th</sup>   |
| Draft Code Review Meeting No. 2          | July 29 <sup>th</sup>   |
| Draft Code Review Meeting No. 3          | August 12 <sup>th</sup> |

Staff will update the Committee at the first indication that this schedule cannot be maintained.

**9. NR 23.2 Bluff Edge Setbacks (Bluffs)**

Maintain approved bluff edge setbacks for the coastal bluffs within the communities of Castaways, Eastbluff, Park Newport, Newporter North (Harbor Cove), and Bayview Landing and neighborhoods from Jamboree Road to Corona del Mar, north of Bayside Drive, to ensure the preservation of scenic resources and geologic stability. *(Imp 2.1)*

**10. NR 23.4 New Development on Blufftops (Bluffs)**

Require all new blufftop development located on a bluff subject to marine erosion to be set back based on the predominant line of development. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development. *(Imp 2.1)*

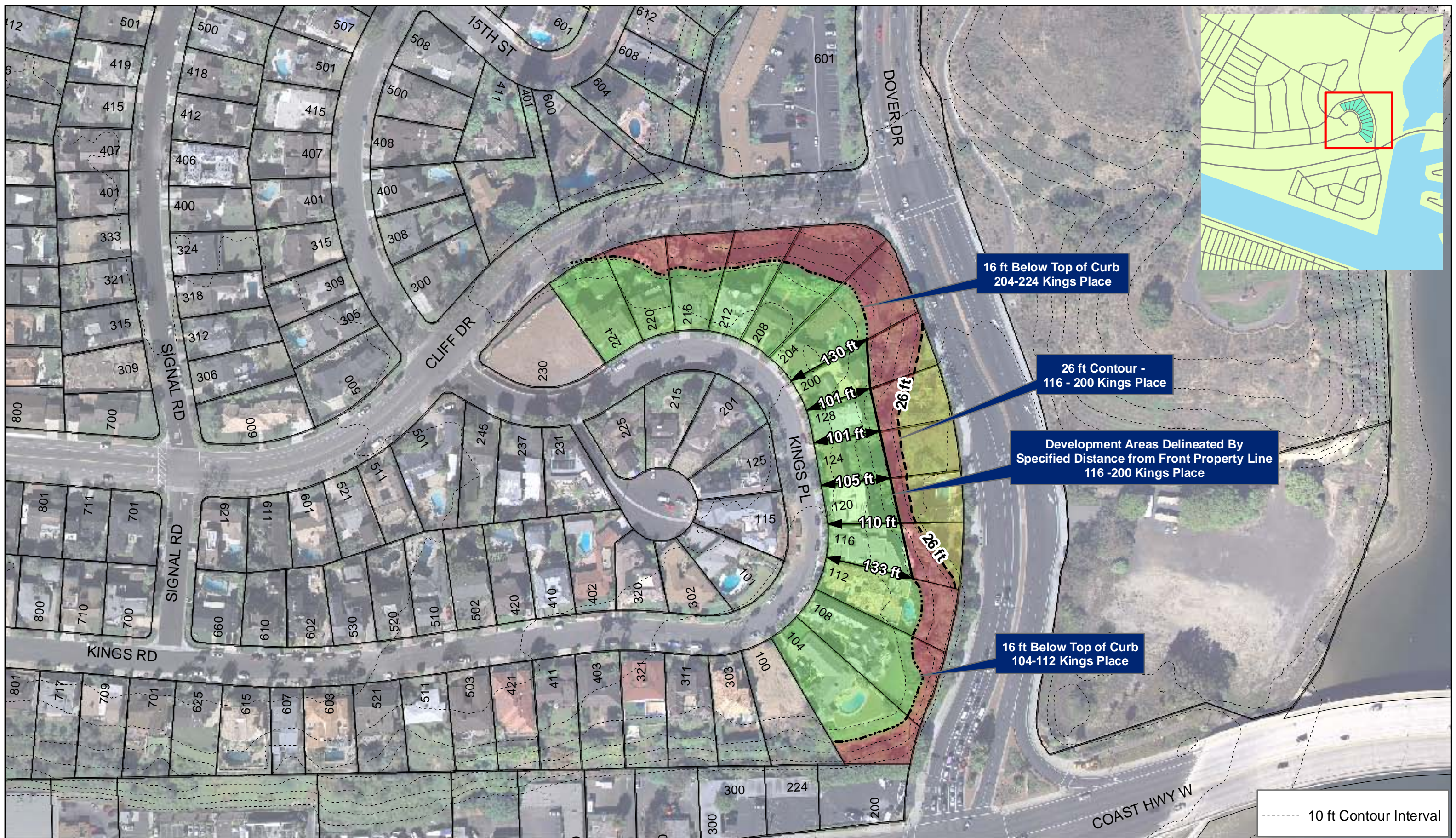
**11. NR 23.5 New Accessory Structures on Blufftops (Bluffs)**

Require new accessory structures, such as decks, patios and walkways, that do not require structural foundations to be sited at least 10 feet from the edge of bluffs subject to marine erosion. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards. *(Imp 2.1)*

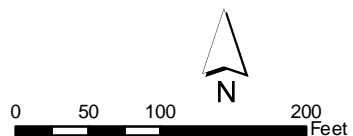
**12. NR 23.7 New Development Design and Siting (Both)**

Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources. *(Imp 2.1)*





Map\_1 - Kings\_Place June/2009



Map 1 - Kings Place  
Development on Bluffs and Canyons

- Development Area A
- Development Area B
- Development Area C

- Development Areas Delineated by:**
- Specified Distance from Front Property Line
  - Specified Feet Below Top of Curb
  - Specified Contour
  - Property Line



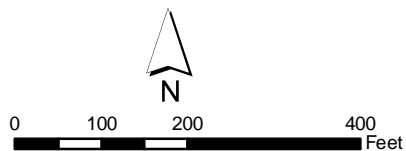


Map\_2 - Irvine\_Terrace\_Dolphin June/2009

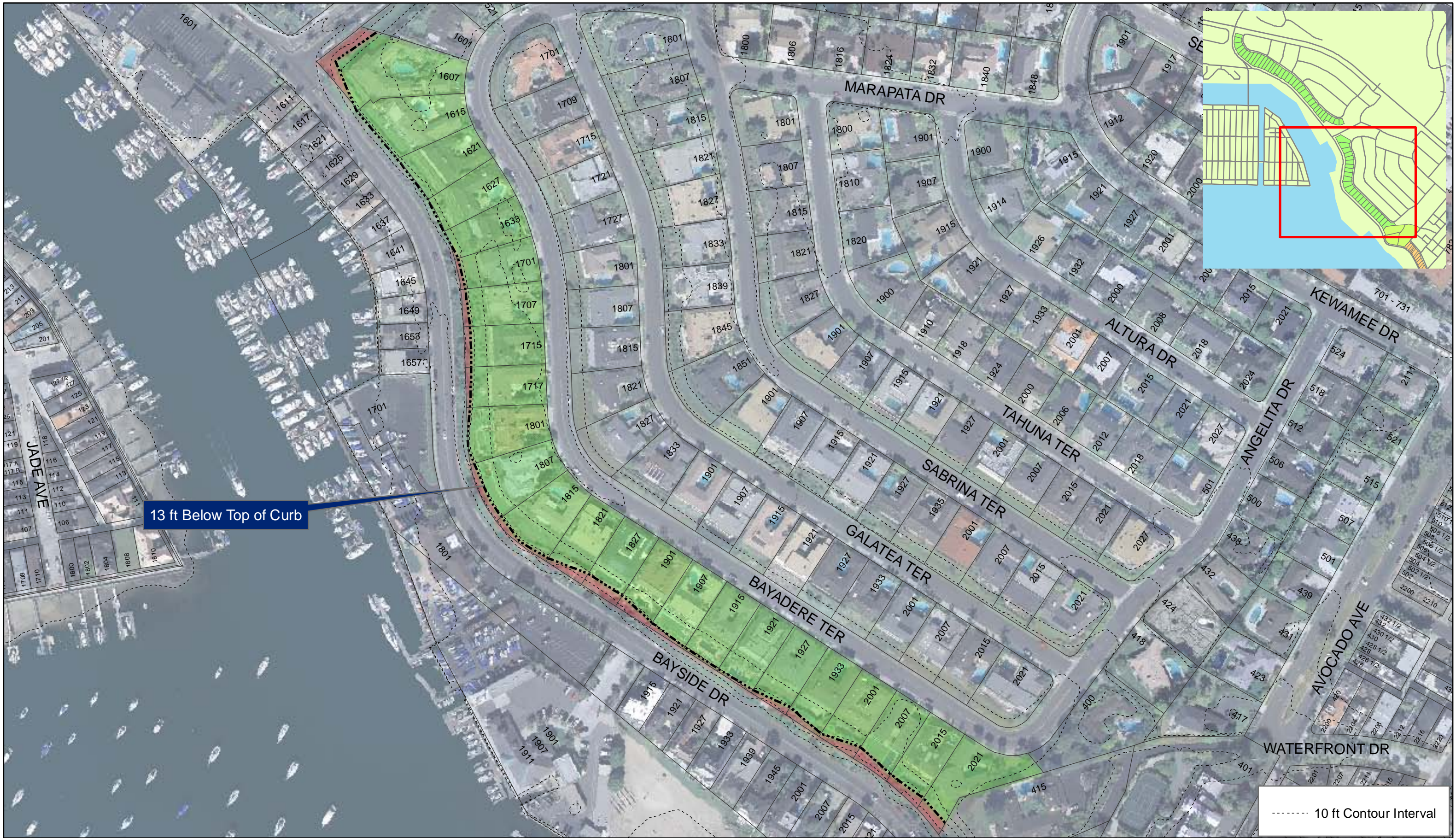
Map 2 - Irvine Terrace -  
Dolphin Terrace  
Development Areas for Bluff Properties

- Development Area A
- Development Area C

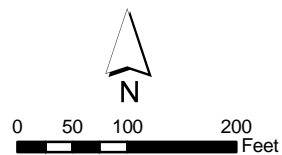
- Development Areas Delineated By:
- Specified Feet Below Top of Curb
  - Property Lines







Map\_3 - Irvine\_Terrace\_Bayadere June/2009



Map 3 - Irvine Terrace -  
Bayadere Terrace  
Development Areas for Bluff Properties

- Development Area A
- Development Area C

- Development Areas Delineated By:
- Specified Feet Below Top of Curb
  - Property Line





Avocado\_Pacific May/2009

Map 4 - Avocado Avenue / Pacific Drive  
Development Areas For Bluff Properties

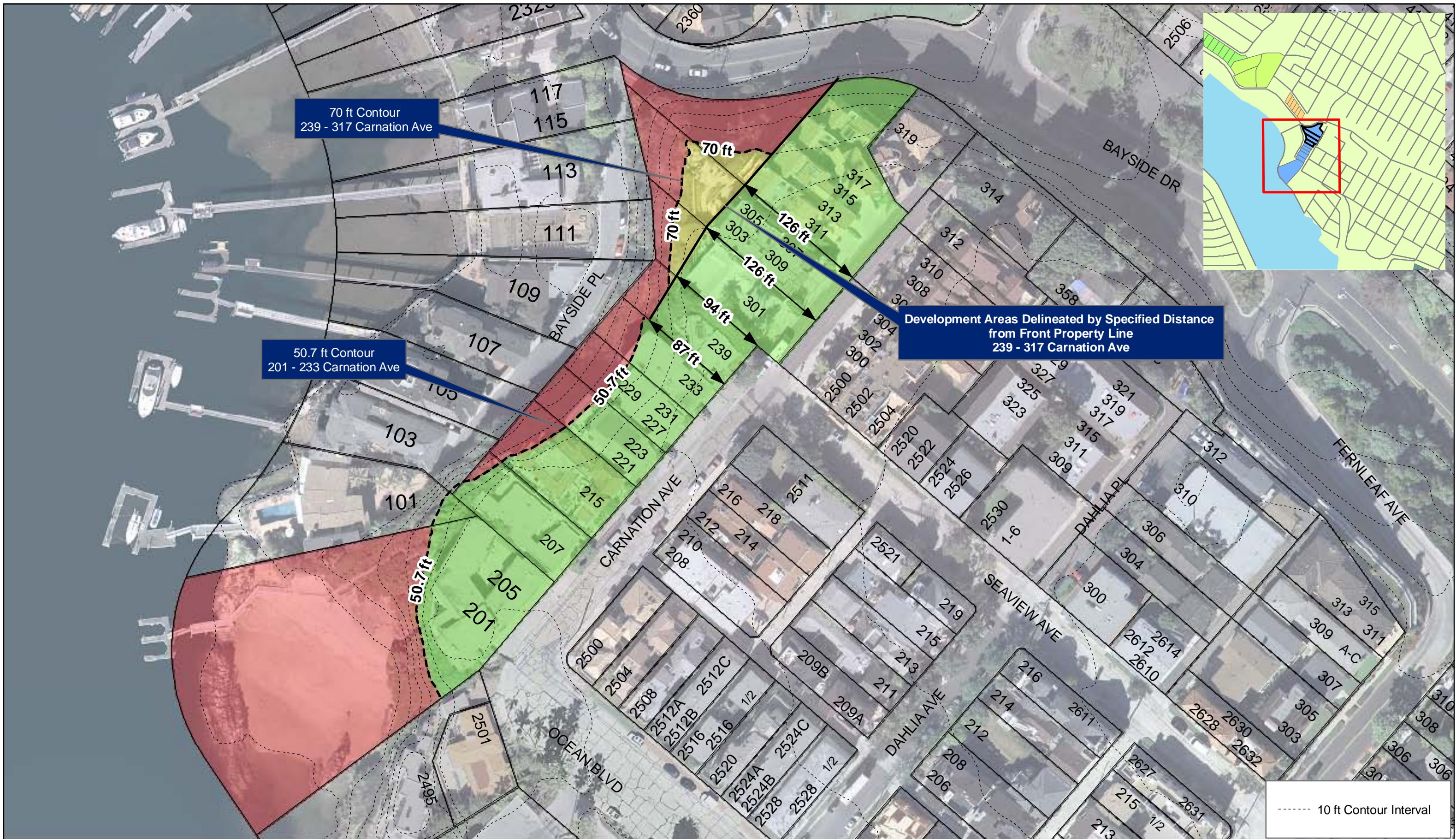
Development Area A  
Development Area C

Development Areas Delineated By:  
----- Specified Contour  
----- Property Line



0 50 100 200 Feet





Map\_5 - Carnation June/2009



0 45 90 180 Feet

Map 5 - Carnation Avenue  
Development Areas For Bluff Properties

- Development Area A
- Development Area B
- Development Area C

Development Areas Delineated By:

- Specified Distance from Front Property Line
- Specified Contour
- Property Line





Map\_6 - Ocean\_Breakers June/2009

Map 6 - Ocean Boulevard / Breakers Drive  
Development Areas for Bluff Properties

Development Area A  
Development Area B

Development Areas Delineated By:  
Specified Contour  
Property Line



0 50 100 200 Feet





Map\_7 - Shorecliffs June/2009



0 75 150 300 Feet

## Map 7 - Shorecliffs

### Development Area for Bluff Properties

- Development Area A
- Development Area B
- Development Area C

- Development Areas Delineated By:
- Specified Distance from Front Property Line
  - 10 ft Setback From Bluff Edge
  - Property Line



